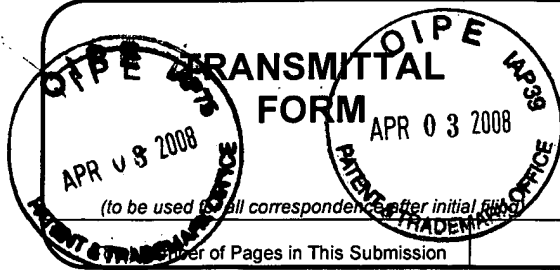


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Application Number	10/005,880
Filing Date	December 28, 2007
First Named Inventor	Ammendola et al.
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	Q009 1011.3

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Notice to File Corrected Application Papers; Substitute Specification; Marked up copy of Substitute Specification; and Acknowledgment Postcard
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**Remarks**

Please charge any fees deemed due to our Deposit Account No. 09-0528

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Womble Carlyle Sandridge & Rice PLLC		
Signature			
Printed name	Amy H. Fix		
Date	March 31, 2008	Reg. No.	42,616

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Gayle Endres	Date	March 31, 2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Aldo Ammendola et al.

SERIAL NO.: 12/005,880

FILED: December 28, 2007

TITLE: Modulation of Pathogenicity

) ART UNIT: To Be Assigned

)

) EXAMINER: To Be Assigned

)

) DOCKET NO.: Q009 1011.3

)

)

)

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**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS**

**Filing Date Granted**

**MAIL STOP MISSING PARTS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

In response to the Notice to File Corrected Application Papers – Filing Date Granted dated January 30, 2008 (copy enclosed), Applicant submits the following:

- (1) Substitute Specification; and
- (2) Marked up copy of the Specification.

**REMARKS**

**Specification**

As per the requirements of the Notice to File Corrected Application Papers dated January 30, 2008, Applicant submits contemporaneously herewith a substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3) and 1.125.. The substitute specification contains no new matter as required by 37 CFR 1.125(b). Applicant also submits contemporaneously herewith a marked-up copy of the substitute specification as required under 37 CFR 1.125(c). That is, the marked-up copy of the substitute specification shows all changes made relative to the immediate prior version of the specification of record. Accordingly, the present version reflects amendments made by the preliminary amendment filed contemporaneously with the application on December 28, 2007, in compliance with 37 CFR 1.115 and 1.215).


**CONCLUSION**

Applicant does not believe any fee is required with this response. However, the Commissioner is authorized to charge any fee deficiencies or credit any overpayment to Deposit Account No. 09-0528 (Atty Docket No.: Q009 1011.3).

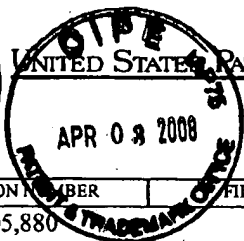
Applicant believes that with the submission of the enclosed documents and authorization to charge said funds, the application is now in order to proceed to examination.

Respectfully submitted,

Date: 3/31/08  
Attorney Docket: Q009 1011.3

  
\_\_\_\_\_  
Amy H. Fix  
Reg. No. 42,616  
Attorney for Applicant

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Post Office Box 7037  
Atlanta, Georgia 30357-0037  
Telephone: (919) 484-2314  
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
12/005,880	12/28/2007	Aldo Ammendola	Q009 1011.3

CONFIRMATION NO. 5312

FORMALITIES LETTER



OC000000027970329

26158

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
ATTN: PATENT DOCKETING 32ND FLOOR  
P.O. BOX 7037  
ATLANTA, GA 30357-0037

Date Mailed: 01/30/2008

NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification excluding claims in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125 is required. The substitute specification must be submitted with markings and be accompanied by a clean version (without markings) as set forth in 37 CFR 1.125(c) and a statement that the substitute specification contains no new matter (see 37 CFR 1.125(b)). Since a preliminary amendment was present on the filing date of the application and such amendment is part of the original disclosure of the application, the substitute specification must include all of the desired changes made in the preliminary amendment. See 37 CFR 1.115 and 1.125.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

DOCKETED

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FEB 01 2008

WOMBLE CARLYLE  
SANDRIDGE & RICE, PLLC

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Alexandria VA 22313-1450

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
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For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

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Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199